

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DISTRICT COUNCIL OF NEW YORK CITY
AND VICINITY OF THE UNITED
BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, et al.,

Defendants.
-----X

90 Civ. 5722 (VM)

**STIPULATION AND ORDER
REGARDING EXTENSION OF
THE INDEPENDENT MONITOR'S
TERM**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/24/17

WHEREAS, on November 18, 2014, the Court entered a Stipulation and Order Regarding Appointment of an Independent Monitor in the above captioned action, between the United States (the "Government"), the District Council, and the Benefit Funds (the "November 2014 Stipulation and Order"), which, *inter alia*, appointed an Independent Monitor. Further, on April 18, 2016, the Court entered a Stipulation and Order Regarding Extension of the Independent Monitor's Term, between the United States, the District Council, and the Benefit Funds (the "April 2016 Stipulation and Order"), which extended the term of the Independent Monitor for twelve months, and further specified that "[u]pon consent of the District Council, the Benefit Funds, the Government, and the Independent Monitor, the Court may extend the term of the Independent Monitor for any period." April 2016 Stipulation and Order ¶ 8.c.

WHEREAS, the Government, District Council, and Independent Monitor agree that the District Council is at a point where it should begin to transition toward further self-governance, but that the continued oversight of the Independent Monitor is necessary in order for the District Council to continue to complete the implementation of identified reforms, including implementing the final information technology upgrade, which will serve as a safeguard against corrupt influences;

WHEREAS, the Benefit Funds and Independent Monitor, and the Government in consultation with the Independent Monitor, agree that during the past year the Benefit Funds have reached the benchmarks agreed upon pursuant to the second sentence of paragraph 8.c.iii of the April 2016 Stipulation and Order, including by hiring and retaining a new Executive Director, Chief Financial Officer, and Chief Compliance Officer, by investigating and remediating an administrative issue relating to the Welfare Fund, as well as by completing an independent review of the Benefit Funds' strategies, fees, and performance, and have therefore confirmed their ability to self-govern;

IT IS HEREBY ORDERED, upon the stipulation and agreement of the Government, the District Council, and the Benefit Funds, as follows:

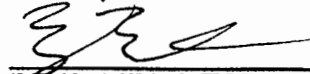
1. **Term.** The term of the Independent Monitor is extended for twelve months, beginning on April 1, 2017, and concluding on March 31, 2018.
2. **General Authority.** The Independent Monitor has the following authority, rights, and responsibilities:
 - a. **District Council:** The Independent Monitor has the authority to review the progress of the District Council in reaching the goals identified in the Third Interim Report. It is the intention of the District Council and Government that guiding the District Council to reach each of its agreed upon goals and benchmarks is the primary focus of this term of the Independent Monitor with respect to the District Council. Nothing in this paragraph diminishes the authority of the Independent Monitor with respect to the District Council to take action to enforce the Consent Decree or alters the powers of the Independent Monitor enumerated in the April 2016 Stipulation and Order.
 - b. **Benefit Funds:** Because the Benefit Funds have confirmed their ability to govern themselves, the Independent Monitor's review and oversight authority, access to information, investigative powers, and reporting to the Court with respect to the Benefit Funds pursuant to paragraph 5 of the April 2016 Stipulation and Order shall only be exercised with respect to matters referred to the Independent Monitor pursuant to sub-paragraph 5.e.ii. of the April 2016 Stipulation and Order.
3. **Transition of Authority.** In recognition of the advances at the District Council and the desire of all parties to move the District Council toward complete self-governance, throughout the course of this term of the Independent Monitor, the authority of the Independent Monitor with respect to initial investigations will begin to transition to the District Council. The transition will occur throughout the term of the Independent Monitor on a timeline determined by the Independent Monitor, through consultation with the District Council.
4. **Continuation of the April 2016 Stipulation and Order.** All provisions and prefatory clauses of the April 2016 Stipulation and Order continue unchanged except as specified herein.

CONSENTED AND AGREED TO:

Dated: New York, New York
21 APRIL, 2017

JOON H. KIM
Acting United States Attorney for the
Southern District of New York
Attorney for Plaintiff United States

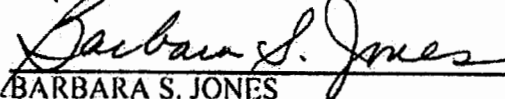
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Dated: New York, New York
April 20, 2017

BRACEWELL LLP
Attorney for Defendant
District Council of New York City and
Vicinity of the United Brotherhood of
Carpenters and Joiners of America

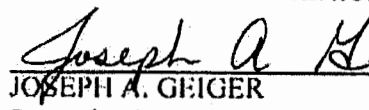
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Dated: New York, New York
APRIL 21, 2017

DISTRICT COUNCIL OF NEW YORK
CITY AND VICINITY OF THE UNITED
BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA

By:


JOSEPH A. GEIGER
Executive Secretary-Treasurer

Dated: New York, New York
April 21, 2017

WILMERHALE
Attorney for Benefit Funds

By: 

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E-mail: boyd.johnson@wilmerhale.com

Dated: New York, New York
APRIL 21, 2017

BENEFIT FUNDS

By: 

JOSEPH A. GEIGER, Co-Chairman
Benefit Funds Union Trustee

By: 

DAVID MEBERG, Co-Chairman
Benefit Funds Employer Trustee

SO ORDERED.

Dated: New York, New York
24 April, 2017


VICTOR MARRERO, U.S.D.J.